



## State of Missouri

### DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:

Katherine Irene Wilson,

Applicant.

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Case No. 100617491C

#### REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On November 19, 2010, Ross A. Kaplan, Enforcement Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Katherine Irene Wilson. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order:

#### FINDINGS OF FACT

1. Katherine Irene Wilson ("Wilson") is an individual residing in Missouri.
2. On or about December 3, 2008, the Department of Insurance, Financial Institutions and Professional Registration ("Department") filed Wilson's Uniform Application for Individual Insurance Producer License ("Application").
3. In her Application, Wilson listed her residential and mailing address as 7333 NE Crouch Rd., Cameron, Missouri, 64429. Wilson listed her business address as One Prepaid Way, Ada, Oklahoma, 74820.
4. Background Question No. 7 asks: "Do you have a child support obligation in arrearage?"
5. Wilson answered "yes" to Question No. 7 and went on to answer that the "exact time [was] unknown" when asked by how many months she was in arrearage.
6. On December 23, 2008, Special Investigator Dana Whaley ("Whaley"), Consumer Affairs Division, mailed by U.S. Mail, postage prepaid, a letter to Wilson at her home and mailing address (address of record) provided on her Application, requesting a copy of her repayment plan for her delinquent federal tax obligation. Whaley also asked Wilson to provide proof of her child support payments.
7. The December 23, 2008 letter stated that Wilson's response was due on or before January 14, 2009.

8. The Consumer Affairs Division did not receive a response from Wilson to the December 23, 2008 letter. The letter was also not returned by the U.S. Postal Service as undeliverable.

9. On September 9, 2009, Whaley telephoned Wilson and left a message inquiring about the response which was due on January 14, 2009.

10. Whaley did not receive a return call or any other communication from Wilson.

11. On August 4, 2009, Wilson pleaded guilty to criminal nonsupport, a Class A misdemeanor, under §568.040 RSMo (2000) in *State v. Katherine Wilson*, Platte County Court, No. 09AE-CR01516. Wilson received a suspended imposition of sentence and two years of probation.

### **CONCLUSIONS OF LAW**

12. Section 375.141 RSMo (Supp. 2009)<sup>1</sup> provides, in part:

1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

\* \* \*

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

\* \* \*

(6) Having been convicted of a felony or crime involving moral turpitude;

\* \* \*

(13) Failing to comply with an administrative or court order imposing a child support obligation[.]

13. Title 20 CSR 100-4.100, Required Response to Inquiries by the Consumer Affairs Division, provides in relevant part:

(2) Except as required under subsection (2)(B)—

(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty

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<sup>1</sup> All statutory references are to RSMo (Supp. 2009) unless otherwise indicated.

(20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

14. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206 (Mo. App. 1990).

15. The principal purpose of §375.141 RSMo is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).

16. Wilson's admission of guilt under §568.040 RSMo, in failing to comply with an administrative or court order imposing a child support obligation, is a cause to refuse Wilson's insurance producer license under §375.141.1(13).

17. Under Missouri Law, failure to pay a child support obligation is a crime of moral turpitude. *In re Warren*, 888 S.W.2d 334, 336 (Mo. 1994).

18. Wilson's admission of guilt and subsequent conviction under §568.040 RSMo, criminal nonsupport of a child, which is a crime of moral turpitude, is cause to refuse Wilson's insurance producer license under §375.141.1(6).

19. Wilson failed to respond to two Division of Consumer Affairs' inquiries regarding her child support arrearages. These failures to respond constitute cause to refuse Wilson's application for an insurance producer license under §375.141.1(2) for violating 20 CSR 100-4.100.

20. The Director has considered Wilson's history and all of the circumstances surrounding Wilson's application. Wilson has admitted to being in arrears in her child support payments in violation of a court or administrative order. Wilson has also pled guilty to criminal nonsupport. Finally, Wilson failed to respond to inquiries from the Consumer Affairs Division. Granting Wilson a Missouri insurance producer license would not be in the interest of the public.

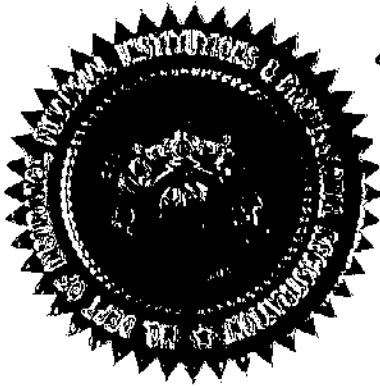
21. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the insurance producer license of Katherine Irene Wilson is hereby summarily **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 26<sup>th</sup> DAY OF NOVEMBER, 2010.



  
JOHN M. HUFF  
DIRECTOR

**NOTICE**

**TO: Applicant and any unnamed persons aggrieved by this Order:**

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of December, 2010, a copy of the foregoing Notice and Order was served upon the Applicant Katherine Irene Wilson in this matter by certified mail No. 7007 0710 0002 2055 2886 at

Katherine Irene Wilson  
7333 N.E. Crouch Rd.  
Cameron, Missouri 64429

Kathryn Randolph